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DISTRICT OF HAWAII

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

OCT 17 2006

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

EDUARDO PERALTA,

Defendant - Appellant.

No. 05-10786

D.C. No. CR-03-00523-SOM  
District of Hawaii,  
Honolulu

ORDER

Before: TASHIMA, W. FLETCHER and BERZON, Circuit Judges.

The Clerk shall file appellant's late response to the motion to dismiss,  
received on August 11, 2006.

Appellee's opposed motion to dismiss this appeal in light of the valid appeal  
waiver is granted. *See U.S. v. Jeronimo*, 398 F.3d 1149, 1152-53 (9th Cir. 2005).

**DISMISSED.**

MOATT